

Exhibit

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EXHIBIT

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24-cv-00779

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CASE NO.: 1:24-cv-00779-JPH-MG

MAX MINDS, LLC,

Plaintiff,

v.

TRIANGLE EXPERIENCE GROUP, INC.,
ROBERT EDWARD CLARE, JEFFREY
MASE, KEVIN G MULlicAN AND JOHN
DOES 1-10

Defendants.

STIPULATION

Plaintiff MAX MINDS, LLC (“Max”) and Defendants TRIANGLE EXPERIENCE GROUP, INC. (“TEG”), by and through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, Max served discovery on TEG consisting of the following:

- a. First Set of Preliminary Injunction Interrogatories;
- b. First Set of Preliminary Injunction Requests for Production;
- c. Notice of Preliminary Rule 30(b)(6) Deposition.

The discovery listed as a. through c. are referred to herein as Max’s “Preliminary Injunction Discovery.”

WHEREAS, Max set forth the following definitions of “Software” and “Source Code” in the Preliminary Injunction Discovery:

The term “Software” means the “Haptic Federal On-Premise Version, Expected Release Date: April 6, 2021” referenced in the SCLA including in Exhibit A thereto. Furthermore, the term “Software” should be read broadly to encompass not only the specific “Haptic Federal On-Premise Version, Expected

Release Date: April 6, 2021,” but also all software in which MAX has registered a copyright listed in the table below, as well as all Derivative Works of the Software created by or on behalf of TEG.

Title of Work	Registration Number	Effective Date	Certificate of Registration
Haptic Version 1.2.21.1	TXu 2-425-362	April 19, 2024	Complaint, Ex. 1
Haptic Version 1.2.125	TXu 2-421-490	April 2, 2024	Complaint, Ex. 2
Haptic Version 3.1.21.4	TXu 2-419-714	March 21, 2024	Complaint, Ex. 3
Haptic Version 3.1.21.8	TXu 2-419-718	March 21, 2024	Complaint, Ex. 4

The term “Source Code” means the source code for the Software, any and all information and materials concerning the source code that Max delivered or disclosed to TEG, and all updates and Derivative Works of the Source Code, including all Derivative Works created by or on behalf of TEG.

WHEREAS, the parties have disputed the definitions of Software and Source Code in connection with the answers and responses to the Preliminary Injunction Discovery and now wish to resolve those disputes and avoid misunderstandings about the definitions of Software and Source Code.

NOW THEREFORE, the parties stipulate and agree as follows:

1. For purposes of construing and understanding the terms Software and Source Code as used in Max’s Preliminary Injunction Discovery, the parties agree to read those terms broadly to encompass all software and all source code that Max claims it created originally and that Max conveyed, transferred, licensed, or provided to TEG or TEG’s employees, independent contractors or agents, from the first such conveyance, transfer, license or provision, to the last.
2. The parties agree that the definitions of the terms Software and Source Code are agreed to herein are agreed to for purposes of discovery only and do not constitute admissions or evidence of originality, copyrightability, validity, or ownership.

3. TEG agrees that on or before October 15, 2024, it will serve amended responses and answers to the Preliminary Injunction interrogatories and requests for production consistent with the parties' agreement on the definitions of Software and Source Code.

4. TEG agrees that it will prepare and present a witness at the Preliminary Rule 30(b)(6) Deposition to testify consistently with the definitions of Software and Source Code stipulated to herein.

Dated: October 1, 2024

SO STIPULATED:

/s/ J. Campbell Miller

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